

Remarks

The Office Action mailed May 19, 2005 has been carefully considered. After such consideration, Claims 1-10; 11-13; and 14-15 have been amended to distinguish the present invention over the prior art of record. As such, Claims 1-10; 11-13; and 14-19 remain in the case with none of the claims being allowed.

The Examiner rejected Claims 1-19 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that the term “superior” as recited in claim 1 is a relative term which renders the claim indefinite. Applicant has amended Claims 1 and 11 to remove the term “superior.”

The Examiner rejected Claims 1, 2, 4-11, and 13-19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,533,789 to McLarty III *et al.* In addition, the Examiner rejected Claims 3 and 12, under 35 U.S.C. 103(a) as being unpatentable over McLarty III *et al.* Reconsideration and allowance is respectfully requested in view of the amendments to the claims and the following remarks.

McLarty III *et al.* teaches a seating structure with seating surfaces formed from resilient fabric. Since the fabric is permanently installed on the seating, conventional washing techniques are not used.

Traditionally, fabrics made with a Spandex[®] yarn component, when stretched, let the spandex- type yarns show through the fabric. Spandex yarn has traditionally been difficult to dye because dyeing methods that worked for some yarns caused the Spandex yarn to degrade. McLarty III *et al.* teaches a weft insertion knitted fabric using Spandex yarn which is “preferably wrapped with an aesthetically pleasing yarn.” (Col. 3, lines 40-42) The wrapping of the Spandex yarns helps prevent the Spandex yarn from showing through when the fabric is stretched. McLarty III *et al.* does solution dye the filament yarn, but not the Spandex yarns. The fact that McLarty III *et al.* is aware of solution dyeing, but does not apply the process to the Spandex yarn teaches away from the use of solution dyeing for Spandex yarns.

The present invention also seeks to alleviate a similar problem, but in a different way. The present invention teaches solution dyeing the Spandex yarns and other yarns separately before knitting, thereby allowing full coverage of each yarn so that there is no undyed Spandex yarn to show through (i.e. grin-through) when the dyed fabric is stretched.

Therefore, while the present invention and McLarty III *et al.* both seek to alleviate the same problem, but with different solution. As such, it is respectfully submitted that McLarty III *et al.* neither anticipates the present invention nor makes the present invention obvious.

The Applicant submits that by this amendment he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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